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REMARKS

Claims 1-20 are pending. Claims 1, 2, 3, 4, 5, 6, 8, 10, 11, 13, 14, 15, 18, 19 and 20 have been amended. Claims 12, 16 and 17 have been cancelled without prejudice. Reconsideration of the claim rejections is requested.

Claim 1-10 stand rejected 35 U.S.C. §103(a) for the reasons set forth in the Examiner's Answer (mailed on 3/09/2006), as follows:

A. Claims 1, 2, 5-12, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,852,487 to Fujimori et al. in view of U.S. Patent No. 5,499,128 A to Hasegawa et al.

B. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujimori in view of Hasegawa and further in view of U.S. Patent No. 6,331,881 B1 to Hatano et al.

C. Claims 13-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,667,790 to Yanagawa et al. (referred to as Yanagawa II) in view of Hasegawa.

D. Claims 13-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2001/0051398 to Hirakata in view of Hasegawa.

E. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujimori in view of Hasegawa and further in view of Yanagawa II.

F. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujimori in view of Hasegawa and further in view of Hirakata.

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Rejections C-F are the New Grounds of Rejection asserted in the Examiner's Answer. Applicants will address each of the above claim rejections in turn. At the outset, it should be noted that rejections C and E are invalid in that Yanagawa II can be antedated and removed as a prior art reference. In previous rejections (now withdrawn), the Examiner mistakenly relied on Application Publication No. JP 2000-227596 by Yanagawa (referred to as "Yanagawa I") published on 8/15/2000. Yanagawa I was determined to be unavailable as a reference under 35 U.S.C. § 102, *et seq.*, since it was first published after the filing date of 8/8/2000 of this application.

In several of the new grounds of rejections, Yanagawa II is seemingly cited as a 102(e) reference having an effective U.S. filing date of 2/4/2002 (i.e., Yanagawa II is seemingly a continuation of a parent application 09/497,996 filed on 2/4/2000, which claims priority to a Japanese application 11-029053 filed 2/5/99. Since Yanagawa II was published after the US filing date of the current application (8-8-2000), Yanagawa II can be prior art under 102e as per its effective US filing date of 2/4/2000. However, the current application has a priority date of 27 August 1999 based on Japanese application No. 11-241322, a certified copy of which was filed in this action. Since the priority date of the current application precedes the effective U.S. filing date of 2/4/2000, Yanagawa II can be disqualified as prior art against any claims of the current application.

A. With regard to the above rejection A, it is respectfully submitted that at the very least, the combination of Fujimori and Hasegawa is legally deficient to establish a *prima facie* case of obviousness against independent Claims 1, 5 or 10 (claim 12 has been cancelled so the rejection is moot). For example, the combination of Fujimori and Hasegawa does not disclose or

fairly suggest, for example, a spacer comprising a first member fixedly formed on the first substrate and having a first contact surface, and a second member fixedly formed on the second substrate and having a second contact surface in contact with the first contact surface of the first member, *wherein the first and second members are adapted to slide relative to each other along the first and second contact surfaces in response to a contact force while maintaining contact between the first and second contact surfaces to control the gap width*, as commonly recited in claims 1, 5 and 10.

On page 4 of the Office Action, the Examiner relies on Fujimori (Col. 8, lines 58-64) as teaching polymer projections (11) disposed between first and second substrates (1, 2) (see, FIGs. 1 and 2), which Examiner contends reads on the claimed gap controlling spacers for restricting the width of the gap and spacer movement. However, it should be noted that the Examiner's characterization of Fujimori in this regard is actually belied by the express teaching by Fujimori, i.e., Col. 7, lines 56-60, where it is disclosed that **"a plurality of spacers (not shown) are provided for controlling the space between the substrates"** In other words, Fujimori distinguishes between spacers (that are not shown in the Figures) for controlling the space between the substrates (1, 2) and the polymer projections (11). Therefore, the Examiner's characterization of the polymer projections (11) serving the function as "spacers" is erroneous on its face in view of the express teachings of Fujimori.

Moreover, although Hasegawa arguably discloses in FIG. 13, for example, a spacer formed by two members that are brought into contact, Hasegawa does not disclose or suggest *wherein the first and second members are adapted to slide relative to each other along the first and second contact surfaces in response to a contact force while maintaining contact between*

*the first and second contact surfaces to control the gap width. Indeed, on fundamental level, Hasegawa does not specifically disclose LCD devices with columnar spacers designed to support touch sensor applications. Hasegawa not only fails to teach the advantages of any particular spacer designs for touch-sensing, but completely fails to recognize the need for spacers that could withstand the forces of touch-sensing while isolating the deformation to the center of the spacers and away from the contact surfaces with the substrates, which is a novel advantage of Applicants' claimed invention. In other words, there is no suggestion in Hasegawa that wherein the first and second members are adapted to slide relative to each other along the first and second contact surfaces in response to a contact force while maintaining contact between the first and second contact surfaces to control the gap width.*

Thus, on a fundamental level neither Fujimori nor Hasegawa singularly or in combination, teach the claimed spacer structures. Furthermore, the Examiner's proposed modification of Fujimori's polymer projections (11) with Hasegawa's spacer structures is seemingly erroneous on its face given that the polymer projections (11) do not function as spacers.

Accordingly, for at least the above reasons, the combination of Fujimori and Hasegawa is legally deficient to establish a prima facie case of obviousness against claims 1, 5 or 10. Moreover, the combination of Fujimori and Hasegawa is legally deficient to establish a prima facie case of obviousness against claims 2, 6-11, 19 and 20 at least by virtue of their dependence from respective base claims 1 or 5.

**B. With regard to the above rejection B, it is submitted that the combination of Fujimori and Hasegawa and Hatano does not render claim 3 obvious for at least the same**

reasons give above for claim 1 from which claim 3 depends. Hatano does not even disclose an LCD touch sensor, much less one that is designed to be touched repeatedly, such as by a user.

C. With regard to the above rejection C, as noted above, Yanagawa II is not prior art against the claimed inventions. Therefore, the obviousness rejection is invalid on its face.

D. With regard to the above rejection D, it is respectfully submitted that at the very least, the combination of Hirakata and Hasegawa is legally deficient at the very least to establish a *prima facie* case of obviousness against claim 13 in that such combination does not disclose or fairly suggest, for example, a spacer comprising a first member fixedly formed on the first substrate and having a first contact surface, and a second member fixedly formed on the second substrate and having a second contact surface in contact with the first contact surface of the first member, *wherein the first and second members are adapted to slide relative to each other along the first and second contact surfaces in response to a contact force while maintaining contact between the first and second contact surfaces to control the gap width*

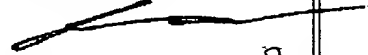
Indeed, the Examiner acknowledges that Hirakata does not disclose these features, but relies on Hasegawa as curing the deficiencies of Hirakata in this regard. However, for reasons explained above, Hasegawa does not teach or fairly suggest such claim features. Accordingly, the combined teachings of Hirakata and Hasegawa fails to teach or suggest the claimed invention of claim 13, as a whole. Claims 14, 15 and 18 are patentable over such combination at least by virtue of their dependence from claim 13.

E. With regard to the above rejection E, as noted above, Yanagawa II is not prior art against the claimed inventions. Therefore, the obviousness rejection is invalid on its face.

F. With regard to the above rejection F, it is submitted that the combination of Fujimori and Hasegawa and Hirakata does not render claim 4 obvious for at least the same reasons give above for claim 1 from which claim 4 depends. Hirakata doe not cure the deficiencies of Fujimori and Hasegawa as explained above.

Applicants request favorable reconsideration of the application as now presented. The Examiner is invited to contact the undersigned should he have any questions in this matter.

Respectfully submitted,



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